IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.3198 OF 2004

Nalin Vallabhdas Khira .. Plaintiff
V/s
M/s.Jal Clothing Co.& Ors. .. Respondents.

Mr.N.M.Shah for the Plaintiff.

CORAM: S.C.DHARMADHIKARI, J.

DATE : 14.06.2005.

P.C.:

1. Heard Shri.Shah, the learned Counsel appearing for the Plaintiff. None appears for the Defendants though duly served. Summary Suit is filed on 16th October, 2004. Writ of Summons has been duly served on 27th November, 2004. Affidavit proving service is filed on 20th December, 2004. Defendants have not taken any steps, although the receipt of Writ of Summons is duly acknowledged. I am satisfied that the present summary suit meets the requirements of Order 37 of the Code of Civil Procedure Code, inasmuch as it is based on the written contract evidenced by the Invoices and the Delivery Challans. The receipt of goods is not disputed. In fact, in part payment, a cheque of Rs.28,444/- was handed over by the Defendants to the Plaintiff. The said cheque has been dishonoured on presentation. Thus there is no defence to the claim. Plaintiff is therefore entitled to a decree as prayed for. The original documents alongwith the list are taken on record and marked as "X" for identification. Copy of the affidavit proving service is taken on record and marked as "X-1" for identification.

2. In the light of the above, the following order:-

ORDER

"Suit is decreed as prayed for. Refund of Court fees and computation of Advocate’s costs as per the rules. Issuance of certified copy of the decree is expedited."

(S.C.DHARMADHIKARI J.)